

ADVISORY OPINION 94-022

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

November 19, 1994

Mr. John H. Cole
Coopers & Lybrand, L.L.P.
500 W. Main Street
Suite 1800
Louisville, Kentucky 40202-4264

Dear Mr. Cole:

Thank you for contacting the Registry of Election Finance ("Registry"). Your October 18, 1994, letter requests that the Registry expand its response in Advisory Opinion 94-016 to include a non-bid state contract. Based upon the facts included in your letter, your question may be stated as follows:

If partners of Coopers & Lybrand, L.L.P. make personal, political contributions to gubernatorial slates for the 1995 gubernatorial elections, what are the restrictions on such contributions?

KRS 121A.050(1) and KRS 121.330 are applicable to your partnership's contribution limits where a non-bid contract is involved. KRS 121A.050(1) prohibits any person, permanent committee, executive committee or contributing organization from knowingly contributing more than \$500 in any one election to a slate of candidates that has accepted public financing. Subsection (2) prohibits contributions of more than \$100 to slates of candidates who have rejected public financing.

KRS 121.330(1) prohibits an elected official from awarding a non-bid contract to any "entity" whose officers and employees, or their spouses knowingly contribute in the aggregate amount more than \$5,000 to the campaign of the elected official in an election. Subsection (2) prohibits any entity whose officers and employees or spouses of officers and employees knowingly contributed in the aggregate more than \$5,000 from receiving any non-bid contract. A partnership is an "entity" under KRS 121.330(5) and thus, must comply with KRS 121.330(1) and (2). A violation of KRS 121.330 constitutes a Class D felony and would result in cancellation of the contract and the partnership's ineligibility to receive non-bid contracts for a period of five (5) years.

In summary, if Coopers and Lybrand partners contribute individually to slates of candidates in the 1995 gubernatorial elections, they are limited to an amount not to exceed \$500 to each candidate per election. The partnership is further limited to an aggregate contribution of \$5,000 including the spouses of officers and employees if it receives a non-bid contract during the term of office of the candidate which received its contributions.

If you should have any questions, please give us a call. Thank you.

Sincerely,

Rosemary F. Center
General Counsel

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